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REMARKS

In regard to the objection to claim 37, claim 37 has been amended above to clarify the claimed invention.

Claims 15-20, 25-31, 36 and 37 were rejected under 35 U.S.C. §102(b) as being anticipated by Cunningham (US 6,351,394 B1). Claims 15-37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Benzoni (US 5,416,668) in view of Applicant Admitted Prior Art (AAPA). The examiner is requested to reconsider these rejections.

From the examiner's comments in the last office action, it appears that the examiner has been considering the "flexible" feature as merely intended use. The claim language that the mounting tails are flexible is a structure feature; not merely an intended use.

Claim 15 has been amended above to clarify applicants' claimed invention. Claim 15 claims that the mounting tails are configured to be flexible to thereby provide a flexible connection of the shielding cage to the circuit board by the mounting tails, wherein the shielding cage is a die-cast member. Cunningham discloses a frame 10 which has pins/projections 20, 22 and which is a die cast member. However, there is no disclosure or suggestion that the pins/projections 20, 22 are flexible. Claim 15, on the other hand, claims that the mounting tails are configured to be flexible to thereby provide a flexible connection of the shielding cage to the circuit board by the mounting tails. There is no disclosure or suggestion in Cunningham that the pins/projections 20, 22 are configured to be flexible to

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thereby provide a flexible connection of the frame 10 to the circuit board by the pins/projections 20, 22.

The examiner is directed to MPEP 2131. Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference (emphasis added). In re Paulsen, 30 F.3d 1475, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994). Anticipation requires identity of the claimed invention (emphasis added). Tyler Refrigeration v. Kysor Indus. Corp., 777 F.2d 687, 227 USPQ 845 (Fed. Cir. 1985). For anticipation, there must be no difference between the claimed invention and the reference disclosure (emphasis added). Scripps Clinic & Res. Found. V. Genentech, Inc., 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991). The corollary of the rule is that absence from the reference of any claimed element negates anticipation. Kloster Speedsteel AB v. Crucible, Inc., 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

In the present case, the examiner has not proven that there is identity between the cited references and the features of claim 15. In the present case, the examiner has not proven that each and every element of the claimed invention is disclosed in the cited reference. In the present case, the examiner has not proven that there are no differences between the claimed invention and the reference disclosure. The cited reference does not "anticipate" claim 15.

Nor are the features of claim 15 obvious in view of Cunningham, either alone or in combination with the other art of record. Nowhere in the art of record is there a suggestion of a shielding cage which is a die-cast member having mounting tails configured to be flexible to thereby provide a flexible

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connection of the shielding cage to a circuit board by the mounting tails.

Benzoni merely discloses that the housing 20 comprises a molded non-conductive member; such as molded plateable engineering grade plastic (column 2, lines 26-27 and 38-40). Surfaces of the housing 20 are plated with an electrically conductive material, such as copper (column 3, lines 29-31). There is no disclosure or suggestion in Benzoni or AAPA of flexible mounting tails on a die cast shielding cage. Any statement to the contrary is clearly based upon hindsight after reading applicants' patent application.

The features of claim 15 are not disclosed or suggested in the cited art. Therefore, claim 15 is patentable and should be allowed.

Though the claims dependent upon claim 15 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 15. However, to expedite prosecution at this time, no further comment will be made.

Claim 26 has been amended above to clarify applicants' claimed invention. Claim 26 claims that mounting tails are configured to be flexible to provide a flexible connection between the shielding cage and the circuit board, wherein the flexible connection is adapted to provide relief of shear stress developing as a result of the difference of thermal expansion coefficient between the circuit board and the shielding cage.

Nowhere in Cunningham is there a disclosure or suggestion of the pins/projections 20, 22 being configured to be flexible to

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provide a flexible connection between the frame 10 and a circuit board. Thus, Cunningham does not "anticipate" the features of claim 26.

Nor are the features of claim 26 obvious in view of Cunningham, either alone or in combination with the other art of record. Nowhere in the art of record is there a suggestion of mounting tails are configured to be flexible to provide a flexible connection between the shielding cage and the circuit board, wherein the flexible connection is adapted to provide relief of shear stress developing as a result of the difference of thermal expansion coefficient between the circuit board and the shielding cage as recited in claim 26.

As noted above, Benzoni merely discloses that the housing 20 comprises a molded non-conductive member; such as molded plateable engineering grade plastic (column 2, lines 26-27 and 38-40). Surfaces of the housing 20 are plated with an electrically conductive material, such as copper (column 3, lines 29-31). There is no disclosure or suggestion in Benzoni or AAPA of flexible mounting tails on a die cast shielding cage. Any statement to the contrary is clearly based upon hindsight after reading applicants' patent application.

The features of claim 26 are not disclosed or suggested in the cited art. Therefore, claim 26 is patentable and should be allowed.

Though the claims dependent upon claim 26 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 26.

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However, to expedite prosecution at this time, no further comment will be made.

Claim 37 has been amended above to clarify applicants' claimed invention. Claim 37 claims that the flexible mounting tails are configured to provide a flexible connection between the shielding cage and the circuit board. There is no disclosure or suggestion in Cunningham that the pins/projections 20, 22 are configured to provide a flexible connection between the frame 10 and a circuit board. There is no disclosure or suggestion in Benzoni or AAPA of flexible mounting tails of a die cast member which are configured to provide a flexible connection between a shielding cage and a circuit board. The cited art of record does not disclose or suggest the features recited in claim 37. Therefore, claim 37 is patentable and should be allowed.

Favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

Respectfully submitted,



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